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REMARKS

The issues outstanding in the instant application are as follows:

- Claims 1-19, 22-35, 37-40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (Pat. No. US 6,289,279 B1) in view of Mohi et al. (Pub. No. US 2003/0195008 A1), further in view of Kimoto et al. (U.S. Pat. No. 6,115,611); and
- Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (Pat. No. US 6,289,279 B1) in view of Mohi et al. (Pub. No. US 2003/0195008 A1), further in view of Kimoto et al. (U.S. Pat. No. 6,115,611) and Lin (Pat. No. US 6,393,292 B1).
- Claims 36 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (Pat. No. US 6,289,279 B1) in view of Mohi et al. (Pub. No. US 2003/0195008 A1).

Applicant traverses all the outstanding rejections and requests reconsideration and withdrawal thereof in light of the remarks contained herein.

Interview Summary

Applicant thanks the Examiner for his courtesy in extending a telephone interview with Applicant's representative on July 20, 2004. The Examiner and Applicant's representative discussed Mohi 2003 (Pub. No. US 2003/0195008 A1), which is a continuation-in-part of Mohi 2002 (Pub. No. US 2002/0006800 A1), which is a non-provisional application of provisional application No. 60/218,454 filed on July 14, 2000. The Examiner acknowledged that portions of Mohi 2003 may not be entitled to the provisional application filing date of July 14, 2000 and instructed the Applicant to point out where elements in Mohi 2003 are absent from Mohi 2002.

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35 U.S.C. § 103(a) – Ito in view of Mohi 2003

35 U.S.C. § 103(a) -- Ito in view of Mohi 2003 and Kimoto

35 U.S.C. § 103(a) -- Ito in view of Mohi 2003 and Kimoto and Lin

Claims 1-19, 22-35, 37-40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (Pat. No. US 6,289,279 B1) in view of Mohi et al. (Pub. No. US 2003/0195008 A1), further in view of Kimoto et al. (U.S. Pat. No. 6,115,611). Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (Pat. No. US 6,289,279 B1) in view of Mohi et al. (Pub. No. US 2003/0195008 A1), further in view of Kimoto et al. (U.S. Pat. No. 6,115,611) and Lin (Pat. No. US 6,393,292 B1). Finally, claims 36 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (Pat. No. US 6,289,279 B1) in view of Mohi et al. (Pub. No. US 2003/0195008 A1).

Each of the Examiner's rejections relies heavily on Mohi 2003 (Pub. No. US 2003/0195008 A1). As clearly stated in Applicant's Amendment and Reply filed on May 3, 2004, Mohi 2003 is a continuation-in-part of Mohi 2002 (Pub. No. US 2002/0006800) filed July 5, 2001. Mohi 2002 is a non-provisional application of provisional application no. 60/218,454 filed on July 14, 2000. Mohi 2003 claims continuation-in-part priority to Mohi 2002. Although the front page and paragraph [0001] of Mohi 2003 lists the related provisional application, *Mohi 2003 is not co-pending with the provisional application* and thus cannot claim priority directly from the Mohi provisional application; any claim to the July 14, 2000 priority date of the Mohi provisional application is through Mohi 2002 and, therefore, any material from Mohi 2003 that could obtain the benefit of the Mohi provisional application filing date must be supported by Mohi 2002. Thus, contrary to the Examiner's July 16, 2004 response to arguments, Applicant is fully aware of the relevant degree of disclosure of the Mohi provisional application and can assert with confidence the portions of Mohi 2003 that have (and do not have) privilege to the earliest filing date of July 14, 2000. Additionally, Applicant submitted Mohi 2002 in a May 3, 2004 Information Disclosure Statement, which the Examiner has considered.

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As the Examiner will have noticed during his consideration of Mohi 2002, Mohi 2003 has additional inventors and several embodiments that are not contained in Mohi 2002, which are not entitled to the Mohi provisional application filing date of July 14, 2000. These further embodiments, starting on page 5 at paragraph [0082], include the concept of the rover receiving AGPS information from a controller and then the rover providing either GPS location data or raw GPS data to the controller for accurately determining the location of the rover. Mohi 2003 starting at paragraph [0082] is only entitled to a filing date of April 23, 2003, which is after the January 26, 2001 filing date of the present application. Thus, significant portions of Mohi 2003 are not prior art relative to the present application, and the Examiner cannot rely upon any Mohi 2003 paragraph greater than [0081] in his rejection of the present application.

Given that the Examiner has replied upon non-prior-art portions of Mohi 2003 in the rejection of each of the claims of the present application, reconsideration and withdrawal of all the outstanding rejections is respectfully requested.

Claims 1-21

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Mohi 2003, further in view of Kimoto.

Regarding claim 1, the portions of Mohi 2003 that are entitled to the Mohi provisional application filing date of July 14, 2000 do not show or suggest the steps of "transmitting to the communication device, based on the approximate geographic location, at least a request for a more accurate geographic location of the communication device; receiving from the user input device of the communication device the more accurate geographic location; and conveying the more accurate geographic location to a target device." Paragraphs [0103] and [0145] of Mohi 2003 relied upon by the Examiner for rejecting claim 1 are new matter relative to Mohi 2002

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and are entitled only to the filing date of April 23, 2003 for Mohi 2003, which is after the January 26, 2001 filing date of the present application.

Although Kimoto suggests that a user can input his/her own current position according to a map displayed on the mobile terminal (col. 50 lines 24-28), Kimoto and Ito also fail to show or suggest the steps of "transmitting to the communication device, based on the approximate geographic location, at least a request for a more accurate geographic location of the communication device" and subsequently "receiving . . . the more accurate geographic location" and "conveying the more accurate geographic location to a target device" as recited in claim 1.

Because Ito, the portions of Mohi 2003 that are entitled to the provisional application filing date of July 14, 2000, and Kimoto do not show or suggest at least the step of "transmitting to the communication device, based on the approximate geographic location, at least a request for a more accurate geographic location of the communication device," claim 1 is not obvious in view of Ito, the prior art portions of Mohi 2003, and Kimoto.

Claims 2-19 depend directly or indirectly upon independent claim 1 and, therefore, are also not obvious in view of Ito, the prior art portions of Mohi 2003, and Kimoto.

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Mohi 2003, further in view of Kimoto and Lin.

Claims 20-21 depend directly or indirectly upon independent claim 1. Lin fails to address the shortcomings of Ito, the prior art portions of Mohi 2003, and Kimoto with respect to claim 1 described above. Thus claims 20-21 are not obvious in view of Ito, the prior art portions of Mohi 2003, Kimoto, and Lin.

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Claims 22-32

Claims 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Mohi 2003, further in view of Kimoto.

Claim 22 recites the steps of "displaying the request on the communication device; receiving, from the user input device, the accurate geographic location of the communication device; and transmitting the accurate geographic location to the system infrastructure for subsequent delivery to the target device." Paragraphs [0103], [0108], [0118], and [0145] of Mohi 2003 that the Examiner asserts as showing these steps belong to the further embodiments starting on page 5 at paragraph [0082] that are not contained in Mohi 2002, and thus these sections of Mohi 2003 are entitled only to the filing date of April 23, 2003 for Mohi 2003, which is after the January 26, 2001 filing date of the present application.

Additionally, the display of a map after the location of the rover has been determined, as described in Mohi 2003, is not "displaying the request on the communication device" as recited in claim 22. The map of Mohi 2003 clearly provides information rather than requests information. See paragraphs [0108] and [0118] of Mohi 2003. Regarding Kimoto, because there is no suggestion of the information center 2B requesting accurate geographic information of the communication device, there is no suggestion to display such a request.

Because Ito, the portions of Mohi 2003 that are entitled to the provisional application filing date of July 14, 2000, and Kimoto do not show or suggest "displaying the request on the communication device," as well as receiving the request and responding to the request, claim 22 is not obvious in view of Ito, the prior art portions of Mohi 2003, and Kimoto.

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Claims 23-32 depend directly or indirectly upon independent claim 22 and, therefore, are also not obvious in view of Ito, the prior art portions of Mohi 2003, and Kimoto.

Claims 33-34

Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Mohi 2003, further in view of Kimoto.

Regarding claim 33, Ito, the portions of Mohi 2003 that are entitled to the provisional application filing date of July 14, 2000, and Kimoto do not show or suggest "receiving, from the system infrastructure, a request for an accurate geographic location of the communication device and a map of an area that includes an approximate geographic location of the communication device; displaying at least the map on the communication device; receiving, from the user input device, an indication on the map corresponding to a location of the communication device; and conveying the location of the communication device to the system infrastructure for subsequent delivery to the target device." First, paragraphs [0108] and [0118] of Mohi 2003 are new matter relative to Mohi 2002 and are entitled only to the filing date of April 23, 2003 for Mohi 2003, which is after the January 26, 2001 filing date of the present application. Second, Mohi 2003 fails to show or suggest the step of "receiving, from the user input device, an indication on the map corresponding to a location of the communication device." As discussed previously, Kimoto also fails to show or suggest the step of "receiving . . . a request for an accurate geographic location of the communication device and a map." Thus, claim 33 is not obvious in view of Ito, the prior art portions of Mohi 2003, and Kimoto.

Claim 34 depends directly upon independent claim 33 and, therefore, is not obvious in view of Ito, the prior art portions of Mohi 2003, and Kimoto.

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Claim 35

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Mohi 2003, further in view of Kimoto.

Claim 35 recites the steps of “receiving, from the system infrastructure, a request for an accurate geographic location of the communication device and a first map of an area that includes a first approximate geographic location of the communication device; displaying at least the first map on the communication device; receiving, from the user input device, an indication on the first map corresponding to a second approximate geographic location of the communication device, the second approximate geographic location being more accurate than the first approximate geographic location; conveying the second approximate geographic location and a request for a second map to the system infrastructure; receiving the second map from the system infrastructure, the second map corresponding to an area that includes the second approximate geographic location and being of a higher resolution than the first map; displaying the second map on the communication device; receiving, from the user input device, an indication on the second map corresponding to a location of the communication device; and conveying the location of the communication device to the system infrastructure for subsequent delivery to the target device,” which are not shown or suggested by Ito, the portions of Mohi 2003 that are entitled to the provisional application filing date of July 14, 2000, and Kimoto.

First, paragraph [103] and [145] of Mohi 2003 are new matter relative to Mohi 2002 and thus are entitled only to the filing date of April 23, 2003 for Mohi 2003, which is after the January 26, 2001 filing date of the present application. Second, the maps mentioned in Ito column 5 lines 33-36 and 48-52 and Mohi 2003 paragraphs [0058], [0059], [0080], [0081], [0098] clearly display information and do not assist in receiving information as recited in claim 35 as “receiving, from the user input device, an indication on the first map corresponding to a second approximate geographic location

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of the communication device." Although Mohi 2003 paragraph [0059] mentions continuing data from the rover unit, none of the cited references show or suggest receiving this continuing information from a user input device as recited in claim 35. Regarding the step of "receiving the second map" recited in claim 35, the Examiner refers to a portion of Mohi 2003 that is not entitled to the Mohi provisional application filing date of July 14, 2000.

Kimoto, although proposing that a user can input his/her own current position according to a map displayed on the mobile terminal (col. 50 lines 24-28), fails to address the shortcomings of Mohi 2003 described above and also fails to show or suggest the steps of "conveying the second approximate geographic information and a request for a second map to the system infrastructure" as recited in claim 35. Thus, claim 35 is not obvious in view of Ito, the prior art portions of Mohi 2003, and Kimoto.

Claim 36-40

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Mohi 2003

Neither Ito nor the prior art portions of Mohi 2003 show or suggest "a display . . . for displaying the request on the communication device" as recited in claim 36. The portions of Mohi 2003 (paragraphs [108] and [118]) that are relied upon by the Examiner are new matter relative to Mohi 2002 and thus are entitled only to the filing date of April 23, 2003 for Mohi 2003, which is after the January 26, 2001 filing date of the present application. Additionally, neither Mohi 2003 nor Ito show or suggest "a user input device for receiving, from the user, information corresponding to the accurate geographic location of the communication device." At best, Mohi 2003 (in paragraphs that are *not* prior art relative to this patent application) suggests the use of information corresponding to the accurate geographic location that are *not* received from the user but rather generated by a GPS module within the rover. See Mohi 2003 paragraphs

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[0059] and [0072]. Thus, claim 36 is not obvious in view of Ito and the prior art portions of Mohi 2003.

Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Mohi 2003, further in view of Kimoto.

Claims 37-40 depend directly or indirectly upon independent claim 36. As mentioned previously, Kimoto fails to address the shortcomings of Ito and the prior art portions of Mohi 2003 with respect to claim 36. Thus, claims 37-40 are not obvious in view of Ito, the prior art portions of Mohi 2003, and Kimoto.

Claims 41-42

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Mohi 2003.

Regarding claim 41, neither Ito nor the prior art portions of Mohi 2003 show or suggest “a user input device for receiving, from the user, an indication on the map corresponding to a location of the communication device.” FIG. 17 of Mohi 2003 (which is prior art because it was disclosed in Mohi 2002) shows an interactive map. The interaction, however, relates to the scope of the map; nothing in Mohi 2002 or Mohi 2003 even hints at the map being a tool for a user to indicate the location of the communication device. Thus, claim 41 is not obvious in view of Ito and Mohi 2003.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Mohi 2003, further in view of Kimoto.

Claim 42 depends directly upon independent claim 41. Kimoto fails to address the shortcomings of Ito and the prior art portions of Mohi 2003 with respect to claim 41. Thus, claim 42 is not obvious in view of Ito, the prior art portions of Mohi 2003, and Kimoto.

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S U M M A R Y

The application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicant's representative at the telephone number indicated below.

Please charge any fees associated herewith, including extension of time fees, to
Deposit Account 502117.

Respectfully submitted,

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